

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CHRISTOPHER K. RUSH

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CASE NO: 2:07-CR-178-WKW

UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW the Defendant, **CHRISTOPHER K. RUSH**, by and through his undersigned counsel, Michael J. Petersen, and moves this Court to continue his case past the presently scheduled date of October 2, 2007. As grounds for granting this Motion, Defendant would show the following:

1. On August 15, 2007, Mr. Rush was charged in a two-count Indictment with being a felon in possession of a firearm and ammunition.
2. On August 28, 2007, Mr. Rush appeared at arraignment and entered a plea of not guilty.
3. Undersigned counsel needs additional time to adequately prepare for trial. As such, a continuance is essential to complete the investigation of this case.
4. The Government, through Assistant United States Attorney Verne Speirs, has no opposition to the granting of this Motion.
5. While requests for a continuance are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521(11thCir. 1984), *reh'g denied* 749 F.2d 733, *cert. denied*, 471 U.S. 1100 (1985), undersigned counsel feels that, in this case, the ends of justice will be served by allowing the defense additional time to review all potentially relevant information and

to interview all potential witnesses in order to adequately prepare a defense to the charges contained in the Indictment.

WHEREFORE, based upon the foregoing, undersigned counsel respectfully requests that this trial be continued beyond the presently scheduled date of October 2, 2007.

Dated this 20th day of September, 2007.

Respectfully submitted,

s/ Michael J. Petersen
MICHAEL J. PETERSEN
Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: michael_petersen@fd.org
ASB-5072-E48M

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:
Verne Speirs, AUSA, 131 Clayton Street, Montgomery, AL 36104.

Respectfully submitted,

s/ Michael J. Petersen
MICHAEL J. PETERSEN
Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: michael_petersen@fd.org
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